

DOCKET NO: 214771US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
FRANCESCO ROSSI, ET AL. : EXAMINER: BRUNSMAN, D. M.
SERIAL NO: 09/926,318 :
FILED: JUNE 14, 2002 : GROUP ART UNIT: 1755
FOR: REINFORCING FIBRE MATERIAL :
FOR BITUMINOUS AGGREGATES,
METHOD FOR PRODUCING SAME AND
USE

DECLARATION UNDER 37 C.F.R. 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

I, Jean Pierre Ghiretti, declare and state as follows:

1. I have been an employee of Saint-Gobain Vetrotex France since October 1, 1970.

As responsible for techniques of recycling of materials from 1996, I have developed techniques of recycling materials related to glass fiber.

2. I am familiar with the claims, and have read the Office Action mailed April 5, 2004, in the above-identified application.

3. The Examiner has rejected claims over EP0333299 (Coppens), and has rejected the claims as not enabled by the specification. The specification at (Amended Sheet) page 9, lines 4-6, describes that milling of the yarns has the consequence that chopped filaments agglomerate or become entangled in the form of flakes. The Office Action finds that there are steps, not described in the specification, that must be carried out to ensure agglomeration

Application No. 09/926,318

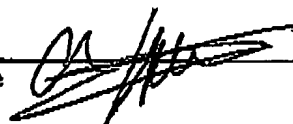
in the form of flakes. The Office Action also finds that if flakes form in the present invention, then the chopped bundles of glass fibers described by Coppens are also flakes.

4. In reply to the Office Action, the use of a milling (or crushing) device and of a population of different diameters of glass fibers is different from a simple cutting operation made on fibers, such as described by Coppens. The devices are different: A milling or crushing device involves shearing off by rotating blades; cutting involves blades hitting an elastomer block or anvil. These differences are well known by a person of ordinary skill in the art. Flakes formed from the milling operation on the above different diameter fibers keep on agglomerating, for example, when received on a reception surface such as a grid under depression or when eliminating impurities, as described at page 9, lines 11-20 of the international application corresponding to the above-identified application. Thus, one skilled in the art would know how to make flakes upon milling of the yarns herein based on the disclosure of the above-identified application and knowledge in the art. Such flakes do not inherently form from chopping to create bundles, as described by Coppens.

5. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

6. Further declarant saith not.

Signature



Date

November 4, 2004.